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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,411	12/17/2004	Toru Hibara	26460U	7754
20529	7590	12/28/2007	EXAMINER	
NATH & ASSOCIATES 112 South West Street Alexandria, VA 22314			NELSON, FREDA ANN	
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/518,411	HIBARA ET AL.
Examiner	Art Unit	
Freda A. Nelson	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 17 December 2007.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-25 is/are rejected.

7)  Claim(s) 9 and 14 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in response to a letter for a patent filed on December 17, 2004 in which claims 1-25 were presented for examination. Claims 1-25 are currently pending.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on June 21, 2002. It is noted, however, that applicant has not filed a certified copy of the 2002-181808 application as required by 35 U.S.C. 119(b).

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### **Information Disclosure Statement**

The information disclosure statement (IDS) submitted on 12/17/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. A copy of PTO-1449 is attached hereto.

#### ***Drawings***

The drawings are objected to because in FIGS. 5 and 7, "BINARISED" should be "BINARIZED".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **Examiner's Note**

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Objections***

1. Claims 9 and 14 are objected to because of the following informalities:

Claims 9 and 14 are incomplete.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the number" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-13, and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruta et al. (US Patent Number 6,516,157).

As per claims 1, 8, 18, and 22, Maruta et al. discloses an information processing apparatus for transmitting inputted image data to a printing machine connected via an electronic network and making the printing machine execute printing, the information processing apparatus comprising:

a cost information register section for registering printing cost information for each of a plurality of printing machines connected via the electronic network (col. 21, lines 53-59; col. 22, line 63-col. 23, line 9);

an area coverage calculation section for calculating an area coverage by image forming material defined by an area of a print sheet covered with image forming material when printing the image data on the print sheet; and

a printing cost calculation section for calculating a printing cost for printing the image data, based on the area coverage by image forming material, printing cost information for each of the plurality of printing machines, and a print count of the image data.

As per claims 2, 11, 19, and 23, Maruta et al. discloses the information processing apparatus according to claim 1, further comprising:

a printing machine selection section which selects a printing machine of the minimum printing cost from among the printing cost of the plurality of printing machines calculated at the printing cost calculation section (col. 18, line 66-col. 19, line 6); and

an image transmission section which transmits the image data to the selected printing machine at the printing machine selection section via the electronic network (col. 18, line 66-col. 19, line 6).

As per claims 3, 12, 20, and 24, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the printing cost calculation section calculates the printing cost for printing the image data for each of the plurality of printing machines connected via the electronic network, based on the area coverage by image forming material defined by the area of the print sheet covered with image forming material when printing the image data on the print sheet, printing cost information, the print count of the image data, and a print density of the image data (FIGS 23, 29, and 32).

As per claims 4, 13, 21, and 25, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the area coverage calculation section comprises:

a sampling section sampling the image data at a predetermined sampling space (col. 7, lines 54-60; col. 8, lines 5-28; FIG. 4);

a binary coding section converting sampled image data obtained at the sampling section to binarized image data consisting of black pixels and white pixels (col. 8, lines 5-58);

a black pixel counting section counting the number of black pixels of the binarized image data obtained at the binary coding section (col. 8, lines 5-58); and a black pixel area calculation section calculating the area coverage by image forming material based on the number of black pixels counted at the black pixel counting section, the sampling space, and a resolution of the printing machine (col. 8, lines 5-58).

As per claim 5, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is an image input apparatus transmitting the inputted image data from an image reading section to the printing machines connected via the electronic network (col. 13, lines 32-35; FIGS. 13 and 14).

As per claim 6, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is a personal computer transmitting the inputted image data from an application program to the printing machine connected via the electronic network (FIGS. 11 and 12).

As per claim 7, Maruta et al. discloses the information processing apparatus according to claim 1, wherein the information processing apparatus is a server transmitting the inputted image data from an application program to the printing

machine connected via the electronic network (col. 25, lines 6-22).

As per claim 10, Maruta et al. discloses the recording medium according to claim 8, wherein the information processing program causes the calculated printing cost for each of the plurality of printing machines to be displayed on a display device (col. 2, line 66-col. 3, lines 19)

As per claim 15, Maruta et al. discloses the recording medium according to claim 8, wherein the information processing apparatus is an image input apparatus transmitting inputted image data from an image reading section to the printing machine connected via the electronic network (col. 13, lines 32-35; FIGS. 13 and 14); and

wherein the information processing program is a firmware program of the image input apparatus (col. 12, line 57-col. 13, line 11).

As per claim 16, Maruta et al. discloses the recording medium according to claim 8, wherein the information processing apparatus is a personal computer transmitting the inputted image data from an application program to the printing machine connected via the electronic network (col. 25, lines 6-35); and

wherein the information processing program is a virtual printer driver handing over the image data to a printer driver program for a selected printing machine (col. 12, line 66-col. 13, line 11).

As per claim 17, Maruta et al. discloses the recording medium according to claim 8, wherein the information processing apparatus is a server transmitting the inputted image data from the application program to the printing machine connected via the electronic network (col. 25, lines 6-35); and

wherein the information processing program is a virtual printer driver handing over the image data to the printer driver program for the selected printing machine (col. 12, line 66-col. 13, line 11).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruta et al. (US Patent Number 6,516,157).

As per claim 9, Maruta et al. do not expressly disclose the recording medium according to claim 8, wherein the printing cost calculation process calculates the printing cost with the parameters: "J" is the printing cost; " $P_{master}$ " is the unit price of a stencil sheet;

" $P_{print\ sheet}$ " is the unit price of the print sheet; " $P_{ink}$ " is the unit price of image forming material;

"S" is the area coverage by image forming material; and

"N" is a print count, and with the equation,

$$J = P_{\text{master}} + (P_{\text{print sheet}} + P_{\text{ink}} \times S) \times N$$

However, it is old and well known in the printing industry to use a particular algorithm, calculation, expression, equations, or formula in order to calculate costs for performing printing jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maruta et al. to include the feature of using parameters and equations for calculating the cost of a print job.

As per claim 14, Maruta et al. does not expressly disclose the recording medium according to claim 13, wherein the area coverage calculation process calculates the area coverage by image forming material of the image data with the parameters, "S" is the area coverage by image forming material;

"A" is a print sheet area;

"N<sub>black-pixel</sub>" is the number of black pixels;

"R" is a resolution equivalent to that of the printing machine;

"R1" is the resolution of the printing machine;

"M" is the sampling space;

"LI" is a lateral length of the print sheet; and

"L2" is a lateral length of the print sheet, and with the equation

$$\begin{aligned} S &= (A \times N_{\text{black-pixel}}) / (L1 \times L2 \times R^2) \\ &= N_{\text{black-pixel}} \times (M/R1)^2 \end{aligned}$$

However, it is old and well known in the printing industry to use a particular algorithm, calculation, expression, equations, or formula in order to calculate costs for performing printing jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maruta et al. to include the feature of using parameters and equations for calculating the cost of a print job.

### ***Conclusion***

5. The examiner has cited prior art of interest, for example:
  - 1) Baker (US Patent Number 7,127,433), which discloses a method for generating pay-per-page pricing data for managed printer services.
  - 2) Hirabayashi (US Patent Number 7,231,369), which discloses a digital contents provision system, server device incorporated in the system, digital contents provision method using the system, and computer program for executing the method.
  - 3) Rowley, Carmel; "Resellers Risk Profits In Pursuit Of Prints", January 2001, enxmagazine.com, 4 pgs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 12/23/2007



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PRIMARY EXAMINER